

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

REGINALD SANDERS,  
*individually and on  
behalf of all others  
similarly situated,*

Plaintiffs,

Case No. 3:23-cv-55

vs.

F.C. INDUSTRIES, INC.,

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

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**ORDER: (1) GRANTING THE PARTIES' JOINT MOTION TO SET NEW CASE MANAGEMENT SCHEDULE (Doc. No. 18); (2) VACATING THE PRELIMINARY PRETRIAL CONFERENCE ORDER (Doc. No. 6); AND (3) SETTING A NEW CASE MANAGEMENT SCHEDULE**

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This civil case is before the Court following a joint motion to set a new case management schedule. Doc. No. 18. This Court previously issued a Preliminary Pretrial Conference Order establishing various deadlines. Doc. No. 6. The parties have since requested a new case management schedule, which this Court adopts.

The new case management dates and deadlines in this case are as follows:

1. Discovery deadline on Plaintiffs' motion for Court-approved written notice to any putative collective members:	<b>December 15, 2023</b>
2. Plaintiffs' motion for court-approved written notice to any putative collective members:	<b>February 2, 2024</b>
3. Defendant's opposition to Plaintiffs' motion for court-approved written notice to any putative collective members:	<b>February 23, 2024</b>

4. Any reply in support of Plaintiffs' motion for court-approved written notice to any putative collective members:	<b>March 8, 2024</b>
5. Discovery cutoff for Plaintiffs' motion for class certification:	<b>June 14, 2024</b>
6. Plaintiffs' motion for class certification:	<b>July 12, 2024</b>
7. Defendant's opposition to Plaintiffs' motion for class certification:	<b>August 2, 2024</b>
8. Any reply in support of Plaintiffs' motion for class certification:	<b>August 16, 2024</b>

Within 30 days of the Court's ruling on either Plaintiffs' motion for court-approved written notice to any putative collective members or Plaintiffs' motion for class certification, whichever occurs later, the parties are to file a joint status report proposing a Phase 2 discovery schedule and indicating whether they are interested in a settlement conference.

**Discovery:** The parties are reminded of their continuing duty to update their discovery responses pursuant to Fed. R. Civ. P. 26(e). This includes responses to initial disclosures pursuant to Rule 26(a), as well as interrogatories, requests for production, and requests for admission. All discovery must be completed, not just requested, by the discovery deadline. No discovery from any source shall be requested or received, or any depositions occur, after the discovery deadline. For such late discovery to occur, the requesting party must seek leave of court to amend the discovery deadline for that limited purpose. The Court may disregard—on summary judgment, at trial, or otherwise—any information or documents obtained, received, or produced after the discovery deadline.

**Court Assistance Regarding Discovery:** The parties may jointly contact chambers of the assigned United States Magistrate Judge and request an informal discovery dispute conference (*see*

S.D. Ohio Civ. R. 37.1) only after having exhausted all extrajudicial means<sup>1</sup> for resolving such dispute(s).

**Protective Orders:** Should the parties require a Protective Order governing the exchange of confidential information in discovery, form Orders are available on the Court's website at: <https://www.ohsd.uscourts.gov/ohio-southern-district-forms>.

**Settlement:** If the parties would like a referral for mediation by the Court, counsel may email the chambers of the undersigned ([newman\\_chambers@ohsd.uscourts.gov](mailto:newman_chambers@ohsd.uscourts.gov)). If the parties settle this case on their own, they shall inform the Court as soon as possible.

**Opportunities for Oral Arguments by Newer Attorneys:** The Court reminds the parties of the current Standing Order allowing newer attorneys (who have graduated from law school within the past six years) to argue a motion (<https://www.ohsd.uscourts.gov/FPNewman>).

Accordingly, the Court **GRANTS** the parties' joint motion to set a new case management schedule (Doc. No. 18) and **VACATES** the previously issued Preliminary Pretrial Conference Order (Doc. No. 6).

**IT IS SO ORDERED.**

November 13, 2023

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge

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<sup>1</sup> The undersigned interprets the phrase "all extrajudicial means" to require both telephonic and written communication between the parties.